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In re Application of :  
AUGELLI-SZAFRAN et al :  
Application No.: 10/018,101 : DECISION ON  
PCT Application No.: PCT/US00/15073 :  
International Filing Date: 31 May 2000 : PETITION  
Priority Date: 10 June 1999 :  
Attorney Docket No.: 5945-01-DRK : UNDER 37 CFR 1.137(b)  
For: METHOD OF INHIBITING AMYLOID PROTEIN :  
AGGREGATION AND IMAGING AMYLOID :  
DEPOSITS USING ISOINDOLINE DERIVATIVES :

Applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office on 14 June 2004 is **GRANTED**.

### BACKGROUND

On 31 May 2000, applicants filed international application PCT/US00/15073. The international application claims a priority date of 10 June 1999 and designates the United States. A copy of the international application was furnished for the United States National Stage by the United States Receiving Office (RO/US).

On 10 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an unexecuted declarations of the inventors.

On 26 February 2002, the United States Designated/Elected Office (DO/EO) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration of the inventors was not in compliance with 37 CFR 1.497(a) and (b), as not being executed in accordance with 37 CFR 1.66 or 1.68. The Notification required an oath or declaration of the inventors which is in compliance with 37 CFR 1.497(a) and (b), identifying the application by international application number and international filing date. Applicants were given two months from the mail date of the Notification or 32 months from the priority date, whichever is later, in which to furnish the compliant declaration. The period for response to the Notification expired 26 April 2002.

December 2003, two months from the mail date of the Notification.

On 14 June 2004, applicants filed the instant petition to revive accompanied by, *inter alia*, the appropriate petition fee, a declaration of the inventors, and a payment of the Surcharge for filing the declaration of the inventors later than thirty months from the priority date.

### **DISCUSSION**

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by a proper reply, a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, the petition fee required by law, and a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicants' petition states that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," which satisfies the requirement under 37 CFR 1.137(b)(3). The submission of the declaration of the inventors satisfies 37 CFR 1.137(b)(1) regarding a proper reply. The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

The earlier payment of the requisite basic national fee for entry into the national stage satisfies 35 U.S.C. 371(c)(1). The copy of the international application furnished by United States Receiving Office satisfies the requirement under 35 U.S.C. 371(c)(2). The declaration of the inventors satisfies the requirement under 35 U.S.C. 371(c)(4).

### **CONCLUSION**

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

Applicants have satisfied the filing requirements under 35 U.S.C. 371.

The application has an international filing date of 31 May 2000 under 35 U.S.C. 363 and a date of 14 June 2004 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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